

**Notice of Allowability**

Application No.

10/695,943

Examiner

Quoc D. Tran

Applicant(s)

NOGUCHI ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/12/2007.
2. ☒ The allowed claim(s) is/are 11-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

QUOCTRAN  
PRIMARY EXAMINER

*[Signature]*  
AU 2614

**DETAILED ACTION*****Allowable Subject Matter***

1. Claims 11-22 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Applicant invention is drawn to a data communication apparatus that communicates by storing non-voice data (i.e., facsimile data) in a voice packet, in a Voice-over-Internet-Protocol communication system that dialogues by exchanging voice packets via an IP network. The data communication apparatus includes a data processor that operates with two switchable modes, a standard communication mode, exchanging voice packets at a predetermined transfer rate, and a high-speed communication mode, exchanging voice packets at a faster rate than the one of the standard communication mode. The data communication apparatus also includes a controller that enables a data process execution, upon obtaining the capability information of an opposing apparatus according to a predetermined communication protocol, by selecting the high-speed communication mode, when the opposing apparatus has the high-speed communication mode. When the opposing apparatus has the high-speed communication mode, i.e., when both caller apparatus and receiver apparatus are the data communication apparatuses, the high-speed data communication becomes available, by selecting and executing the high-speed communication mode that exchanges packets in a high speed at an independently set transfer rate. When the opposing apparatus does not have the high-speed communication mode, i.e., when a conventional data communication apparatus is connected to the IP network via an IP telephone adaptor apparatus, the standard communication mode is selected and executed.

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Prior art of record failed to teach or fairly suggest in combination the method and apparatus that communicates voice packets having non-voice data (i.e., facsimile data) via an IP network comprising a data processor that executes a standard communication mode and a high-speed communication mode, the voice packet including non-voice data (facsimile data) and being exchange at a predetermined transfer rate in a standard communication and at a rate faster than the predetermined transfer rate via the IP network in the high-speed communication mode, the standard communication mode and the high-speed communication mode being interchangeably executed; an acceptor that obtains capability information of a receiver apparatus in accordance with a predetermined communication protocol; and a controller that selects the high-speed communication mode for execution based on a determination, using the capability, that the remote apparatus (i.e., opposing or destination device) is configured to execute the high-speed communication mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

**(571) 273-8300**

Hand-delivered responses should be brought to:  
Customer Service Window

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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

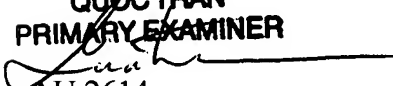
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**QUOCTRAN**  
**PRIMARY EXAMINER**

  
AU 2614

September 18, 2007